

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER DAVID HAYES,)	No. 06 PB 2615
STAR No. 19938, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 278126)

FINDINGS

On November 27, 2006, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer David Hayes, Star No. 19938 (hereinafter sometimes referred to as "Respondent"), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance; and
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

The Police Board caused a hearing on these charges against Police Officer David Hayes to be had before Michael G. Berland, Hearing Officer of the Police Board, on October 31 and November 13, 2007.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the hearing and viewed the video-recording of the hearing. Michael G. Berland, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of the charges, finds and determines that:

1. The Respondent was, at all times mentioned herein, a police officer employed by the Department of Police of the City of Chicago, or a candidate for that position.

2. The charges were filed in writing and a notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer David Hayes, Star No. 19938, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that:

Count I: From on or about July 8, 1996, his date of appointment to the Chicago Police Department, through on or about October 2001, or on one or more dates therein, Police Officer David Hayes, a convicted felon, knowingly possessed a firearm, in violation of Chapter 720 ILCS 5/24-1.1.

Count II: On or about May 24, 1995, Police Officer David Hayes, convicted of a felony and/or after pleading guilty on or about January 4, 1995, falsely stated on his Personal History Questionnaire Background Investigation application that he had never been convicted of a crime and/or entered a plea of guilty to a crime in any court of law, in violation of Chicago Municipal Code Chapter 2-74-090 and/or Chapter 2-74-095.

Count III: On or about May 24, 1995, Police Officer David Hayes, convicted of a felony and sentenced to two years felony probation on January 4, 1995, falsely stated on his Personal History Questionnaire Background Investigation application that he had never been interviewed by the police

in a criminal matter, in violation of Chicago Municipal Code Chapter 2-74-090 and/or Chapter 2-74-095.

5. The Respondent, Police Officer David Hayes, Star No. 19938, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: From on or about July 8, 1996, his date of appointment to the Chicago Police Department, through on or about October 2001, or on one or more dates therein, Police Officer David Hayes, a convicted felon, possessed a firearm, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

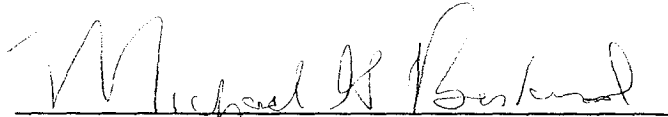
Count II: On or about May 24, 1995, Police Officer David Hayes, convicted of a felony and/or after pleading guilty on or about January 4, 1995, falsely stated on his Personal History Questionnaire Background Investigation application that he had never been convicted of a crime and/or entered a plea of guilty to a crime in any court of law, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about May 24, 1995, Police Officer David Hayes, convicted of a felony and sentenced to two years felony probation on January 4, 1995, falsely stated on his Personal History Questionnaire Background Investigation application that he had never been interviewed by the police in a criminal matter, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count IV: On or about May 24, 1995, Police Officer David Hayes, convicted of a felony and sentenced to two years felony probation on January 4, 1995, provided false statements in his application to the Chicago Police Department to obtain his appointment as a police officer, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer David Hayes, Star No. 19938, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael G. Berland", is written over a horizontal line.

MICHAEL G. BERLAND
Hearing Officer

DECISION

The Police Board of the City of Chicago, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer David Hayes, Star No. 19938, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2615, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
21st DAY OF FEBRUARY, 2008.

Patricia C. Bobb
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Attested by:

Max A. Caproni

Executive Director
Police Board

Police Board Case No. 06 PB 2615
Police Officer David Hayes
Page 5A

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IT IS HEREBY ORDERED that the Respondent, Police Officer David Hayes, Star No. 19938, as a result of having been found **guilty** of charges in Police Board Case No. 06 PB 2615, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

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Patricia C. Bobb
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[Signature]
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[Signature]
[Signature]
[Signature]

Attested by:

Max A. Caproni

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent
from the decision of the majority of the Board.

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

Chicago Police Department
Personnel Division

05/08/2002

COMPLIMENTARY HISTORY

<u>Name</u>	<u>Title</u>	<u>SSN</u>	<u>Star</u>	<u>Unit</u>	<u>Detail Unit</u>
HAYES DAVID	9161	[REDACTED]	19938	015	376

HONORABLE MENTIONS

2

COMPLIMENTARY LETTERS

0

DEPT. COMMENDATIONS

AWARD NUMBER:

0

1

2

3

4

5

6

7

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9

10

OTHER AWARDS:

SPECIAL AWARDS:

Jr. Chamber . of Comm	0	Unit Meritorious	0	Fitness Award	0
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
Supt. Awd of Valor	0	WGN Award	0	Partnership Award	0
Supt. Awd of Merit	0	Honored Police Star	0	Special Serv. Award	0
Police Blue Star	0	Life Saving Awd	0	Problem Solving Awd	0
Officer of The Month	0	Hnd Cld Med. of Val	0	Blue Shield Awd	0

Complimentary History Requested By:

NAME HARRIS GWENDOLYN 9174

STAR: 07938

UNIT: 121

Completed by:

CR #: 278126

JERMEKA GIPSON
Personnel Division
Records Section -2089-2092
Pax 0-342 or Bell 5-5390

Ex A, 1 of 3

C. R. # 278126
ATTACHMENT # 19

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

8 May 2002

TO: COMMANDING OFFICER UNIT 121
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

<u>HAYES</u>	<u>DAVID</u>	<u>19938</u>	<u>376</u>
NAME	(LAST, FIRST M.I.)	STAR	UNIT
<u>M</u>	<u>W</u>	<u>[REDACTED]</u>	
SEX	RACE	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER(S) 278 126

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS
BEEN REQUESTED IN YOUR NAME BY:

<u>PA</u>	<u>HARRIS</u>	<u>7938</u>	<u>[REDACTED]</u>	<u>121</u>
RANK	NAME	STAR	S.S.N.	UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE
FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE
SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

P.O. KAREN CALAHAN
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SEE ATTACHED

Ex. A, 2 OF 3

278126
20 1/2

CHICAGO POLICE DEPARTMENT

Sustained Complaints History Report

08-MAY-2002 01:09:37 PM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	HAYES DAVID R.		307345	9161	POLICE OFFICER	015
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	WHITE	04-JAN-1969	08-JUL-1996	2	0	
<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
C 239446	24-AUG-1997	16-NOV-2000	3 DAY SUSPENSION	09J-MISCELLANEOUS		
<u>Civil Suit #</u>			<u>Police Board #</u>			
		18-NOV-2000				
<u>Comments</u>	SUSTAINED/003					
<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
C 264396	24-JUL-2000	20-SEP-2001	1 DAY SUSPENSION	10H-LEAVING ASSIGNMENT		
<u>Civil Suit #</u>			<u>Police Board #</u>	(DISTRICT, BEAT, SECTOR, COURT)		
		20-SEP-2001	1 DAY SUSPENSION	10H-LEAVING ASSIGNMENT		
			<u>Police Board #</u>	(DISTRICT, BEAT, SECTOR, COURT)		
			1 DAY SUSPENSION	10H-LEAVING ASSIGNMENT		
			<u>Police Board #</u>	(DISTRICT, BEAT, SECTOR, COURT)		
<u>Comments</u>						

Ex. A, 3 of 3